

Date: April 26, 2006

Item No. 1.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: New Business

Report Prepared by: Dennis Carrington

Public Hearing: Yes: X No:

Notices Mailed On: 4/14/06 Published On: 4/13/06 Posted On: 4/14/06

TITLE: **USE PERMIT UP2006-3 AND "S" ZONE-APPROVAL
SZ2006-2**

Proposal: Installation of an 8-foot tall, 180 square foot, double-sided
freestanding monument sign.

Location: 991 Montague Expressway

APN: 086-31-059

RECOMMENDATION: **Approve with conditions.**

Applicant: Mid-Way Signs C/O Gary Anderson, 3290 Bassett Street, Santa
Clara, CA 95054

Property Owner: Thoai Nguyen, 2344 McKee Road, #40, San Jose, CA, CA 95116

Previous Action(s): "S" Zone Approval and Amendments

General Plan Designation: General Commercial

Environmental: Categorically exempt pursuant to Class 11, Section 15311
("Accessory structures – on premise sign") of the California
Environmental Quality Act Guidelines

Present Zoning: Heavy Industrial ("M2")

Existing Land Use: Vacant R&D/Office building

Agenda Sent To: Applicant/Owner

Attachments: Plans

PJ: 2448

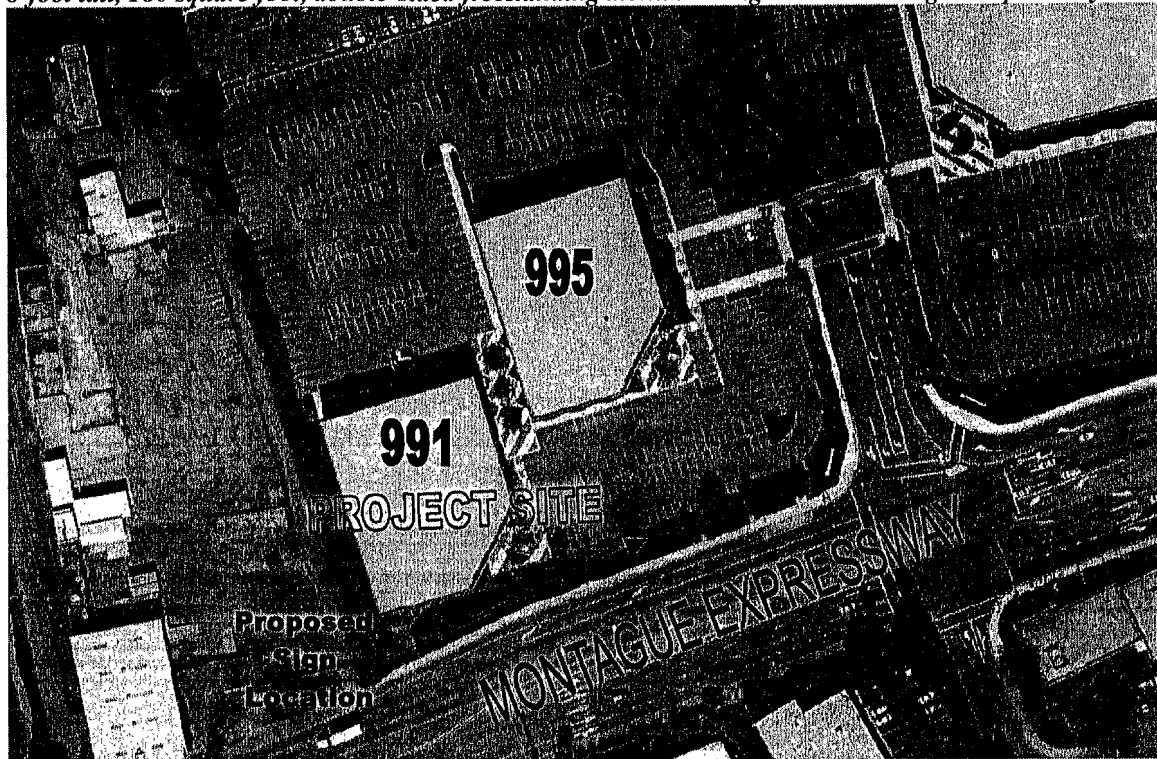
BACKGROUND

- On December 18, 1980, the Planning Commission approved an "S" Zone application and adopted a Mitigated Negative Declaration (EIA No. 672) for development of the 69 acre Fleming Food site. The proposed development included four new research and development/office buildings (Buildings A, B, C & D) on two parcels located on the northeast corner of Montague Expressway and Interstate 680. Construction of the four research and development buildings was completed in 2000.

- On December 11, 1996, the Planning Commission approved an "S" Zone application and adopted Mitigated Negative Declaration (EIA No. 672) for Phase I of Warehouse Properties Inc. development plans for the 69 acre Fleming Food site. The proposed development included three new warehouse buildings and four new research and development/office buildings located on the northeast corner of Montague Expressway and Interstate 680.
- On January 8, 1997, the Planning Commission approved a Use Permit and "S" Zone approval-amendment for Phase II development that included an increased FAR for Parcel 1 to 40.9% and Parcel 3 to 43.2%.
- On July 28, 1999, the Planning Commission approved a Minor Tentative Map for division of the 69-acre parcel into 3 parcels.
- On November 10, 1999, the Planning Commission approved Use Permit 1381 amendment to delete one condition of approval on the approved tentative map.
- On January 14, 2004, the Planning Commission approved Use Permit No. UP2003-14 for the operation of a church in three of the four research and development buildings.
- On February 11, 2004 the Planning Commission approved two Tentative Parcel Maps (MI2003-4 and MI2003-5) to subdivide the land on which the four research and development buildings are located into four separate parcels.
- On October 13, 2004 the Planning Commission approved a Major Tentative Map (MA2004-2) to create 21 condominium ownership units for the building located at 991 Montague Parkway.

Site Description

The subject site is located on a 2.68-acre parcel and was developed as a 44,465 square foot office condominium building with parking and landscaping. The subject site is located at 991 Montague Expressway in the Fleming Business Park. The building at 991 Montague fronts on Montague and is the west-most building on Montague of the four office buildings. Surrounding land uses include an office condominium at 995 Montague Expressway immediately to the north and trucking facilities further to the north. The Korean First Baptist Church occupies the two former research and development buildings to the east of the main driveway. The vacant former Jones Chemical site lies to the west. Self-storage uses lie to the south. Highway 680 borders the site to the east.



THE APPLICATION

The applicant has submitted a Use Permit and "S" Zone Amendment application pursuant to Sign Ordinance section XI-30-3.10 (h), Freestanding Signs, and Milpitas Zoning Ordinance sections XI-10-57 (Conditional Use Permits) and XI-10-42 (Site and Architectural Review).

PROJECT DESCRIPTION

The applicant is requesting approval for an 8-foot tall, 180 square foot, double-sided freestanding monument sign. The applicant is proposing a new freestanding monument sign with approximately 90 square feet per side that measures 12 feet wide, 8 feet tall and 18 inches thick. The sign will give the address, 991, along the top of the sign. The proposed sign will be double sided and constructed with 24-gauge fabricated aluminum with internal illumination of fluorescent lamps to illuminate the plex panels. The sign will provide twenty spaces for tenant signs on each side. The proposed sign will incorporate colors of tan for the body of the sign with brown trim. The new sign would be situated in the landscaped lawn area along Montague Expressway. The sign is proposed to be located equidistant between two landscape trees on a grassy berm, 9.5 feet from the face of the curb.

ISSUES

Conformance with General Plan and Zoning Ordinance

The proposed sign does not conflict with any General Plan policies, and is consistent with:

- Implementing Policy 2.a-I-3, which encourages economic pursuits that will strengthen and promote development through stability and balance.

- Implementing Policy 3.b-G-1 in that the sign serves to direct vehicles in the facility, which assists in providing a safe and convenient vehicular movement in the Heavy Industrial area.

The purpose of the M2 Zoning District is to provide for the construction, use, and occupancy of buildings and facilities for office, research, general manufacturing, warehousing and distribution and other uses compatible with the district.

Conformance with "S" Zone

As conditioned, the project would in conformance with the Section 42 (Site and Architectural Review). The purpose of the Site and Architectural Review is to ensure, "...orderly, attractive and harmonious development..." that is compatible with site and surrounding area. As proposed, the monument sign would be compatible with the site and surrounding properties. The new monument sign provides visibility for the commercial condominium building, enhances the area by introducing a new architectural element, and promotes an orderly and attractive development.

Conformance with the Sign Ordinance

The proposed monument sign complies with the City's sign ordinance. Findings are provided in the sections below

XI-30-3.02 – Total allowable sign area

Per the Sign Ordinance, "the total area of all signs shall not exceed (1) square feet of sign for each lineal feet of building perimeter or (2) square feet of sign for each lineal feet of street frontage." Sign area based on street frontage are provided in the calculation below:

447 feet of street frontage X 2.0 (sq. ft. of sign area) = 894 (total allowable sign area). The total approved signage is as follows:

No other signage exists on the building or in open spaces on the parcel. There is an existing monument sign for the office park at the west corner of the driveway for the office park that does not count against the signage for this parcel.

Staff recommends that a condition of approval require that the maximum size of the signage for the parcel at 991 Montague Expressway shall be 894 square feet.

XI-30-3.02 – Appropriateness of the sign design

Per the Sign Ordinance, the following factors shall be considered in the review of the design of each proposed sign:

1. The relationship of the sign to the space on the building where the sign is to be located.
2. Relationship of the location of the sign to all facades of all buildings on the site.
3. Compatibility of materials, architecture, design, and continuity with other signs on the building.
4. Illumination of the sign as it relates to other signs on the subject building, other light sources, competition and interference of light sources and intrusion of light into residential areas

5. Visibility and legibility (letter height and legibility, contrast-background relationship, placement and location).
6. Impact on other immediate signs in terms of visibility, legibility, and scale.
7. Traffic conditions, including but not limited to, traffic safety and circulation, visibility, road width, curb cuts, or driveway indentations, median, proximity of major intersections, signals or stops, average traveling speed or any other natural physical obstruction.
8. The proximity of the sign to residential districts.
9. Relationship of the height of the sign to the height of the building at that location.
10. Quantity of other signs in the vicinity of the subject sign on or off of the subject parcel.
11. Impact on visibility of other signs in the vicinity of the subject sign.
12. Other such factors that the Planning Commission, Planning Commission Subcommittee and Planning staff shall determine as relating to the impact of the sign to the general environment.

Each proposed sign shall be reviewed for conformity to the following criteria:

1. The sign shall relate to the architectural design of the building. An attractive scale between the sign, the building and the immediate surrounding buildings and signs shall be maintained.
2. To the extent feasible, a sign shall be graphic with design emphasis on simplicity, style, trademark, business identification and symbol. Wording shall be an integral part of the overall design.
3. All light sources shall be adequately diffused or shielded.
4. The sign's supporting structure shall be as small in density and as simple as is structurally safe.
5. Multiple signing on a single-faced building shall be reviewed for coordination of all signs architecturally and aesthetically.
6. Sign faces should be constructed of non-brittle, non-yellowing Polycarbonate material or superior.
7. Neon, bare fluorescent tubes, incandescent bulbs, light emitting diodes (LEDs) and similar devices are not permitted except pursuant to "S" Zone approval.
8. Signage shall not obstruct pedestrian circulation.
9. Signs should be an integral part of the design of the storefronts of mixed-use buildings.
10. Sign letters and materials should be professionally designed and fabricated.
11. Signs should be constructed using high-quality materials such as metal, plastic, stone and wood.
12. Exposed conduit and tubing should be mitigated so that they are inconspicuous.
13. Exposed transformers are prohibited.
14. Projecting signs mounted perpendicular to the façade of the building should be located at least eight (8) feet above the sidewalk. The outside edge should be no more than five (5) feet from the face of the building.
15. While bilingual signs are allowed, the size of English lettering should be at least equal to the size of letters of another language.
16. The business name and address shall be displayed on the tenant space if located in a multi-tenant building or on the building or property for a single occupant building.

Design. The proposed freestanding sign's architecture, materials, design and location are compatible with the other signs on the building and in the area. The proposed sign is to be located in a landscaped lawn area adjacent to Montague Expressway, which is consistent with how other approved freestanding signs are installed in the general vicinity as well as throughout the city. The signage proposed is consistent with the above design guidelines. However, *Staff recommends that a condition of approval require that the freestanding sign's faces be constructed of non-brittle, non-yellowing Polycarbonate material or superior.*

Height. The height is appropriate due to the height and mass of the adjacent buildings. The proposed 8 foot tall sign conforms the maximum height restriction in the M2 zoning district of 35 feet and the requirements of the Sign Ordinance.

Address. The proposed sign shows the numbers "991" as not being entirely within the contrasting colored medallion at the top of the sign. Unless the numbers are located entirely within that medallion, they will not be visible. *Staff recommends that a condition of approval require that the address shown on the sign shall be centered entirely within the medallion at the top of the sign so that maximum visibility is achieved.*

Location of sign. As stated above, the new sign would be situated in the landscaped lawn area along Montague Expressway. The sign is proposed to be located equidistant between two landscape trees on a grassy berm, 9.5 feet from the face of the curb. There is a 10-foot public services utilities easement behind the sidewalk that would be encroached upon by the sign. An Engineering Department condition of approval will require that the developer obtain an encroachment permit from the City of Milpitas Engineering Division for the sign.

XI-30-3.03 – Freestanding Signs

Per the Sign Ordinance, "... (1) freestanding sign may be permitted for each individual parcel's street frontage. If the frontage exceeds (300) feet, one additional freestanding sign may be allowed." Height of freestanding sign height in non-residential zones is (1) feet to a maximum of (25) feet for each (8) feet of public street frontage. The Applicant is proposing one 8-foot tall freestanding sign. The parcel at 991 Montague Expressway has a frontage of approximately 447 feet, therefore up to two freestanding signs may be permitted on the parcel and the signs can therefore have a maximum height of 25-feet. The maximum amount of signage on this parcel is 894 square feet.

COMMUNITY IMPACTS

The proposed monument sign does not create any negative community impacts and will meet the required ordinances set forth in the Milpitas Municipal code as determined in this staff report. The monument sign is compatible and conforms to the M2 Heavy Industrial Zoning District. The proposed sign is located in an industrial and office area and does not abut any residential uses nor will the proposed sign negatively impact public health, safety and general welfare.

CONFORMANCE WITH CEQA

The proposed project is categorically exempt from further environmental review pursuant to Class 11, Section 15311 ("Accessory structures – On-premise Signs") of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

Close the Public Hearing and approve Use Permit UP2006-3 and "S" Zone No. SZ2006-2 based on the findings listed below.

FINDINGS

The project complies with the General Plan and the following policies:

- Implementing policies 2.a-I-3, which encourages economic pursuits that will strengthen and promote development through stability and balance.
- Implementing Policy 3.b-G-1 in that the sign serves to direct vehicles in the facility, which assists in providing a safe and convenient vehicular movement in the Heavy Industrial area.

The project complies with the M2 Zoning District.

The project complies with the "S" Zone Combing District. As conditioned, the project is compatible, orderly, and aesthetically harmonious with adjacent and surrounding development.

The Project complies with the Sign Ordinance requirements in terms of the number of freestanding signs, sign area, height, and design. As conditioned the project would meet the sign ordinance provisions for number of freestanding signs, compatibility of design and materials.

The Project will not create any negative community impacts or be detrimental to public health, safety and general welfare.

The Project is categorically exempt from further environmental review pursuant to Class 11, Section 15311 ("Accessory structures – On-premise Signs") of the State CEQA Guidelines.

SPECIAL CONDITIONS

1. This Planning Commission approval is for an 8-foot tall and 180 square foot, double-sided freestanding monument sign located at 991 Montague Expressway as shown on approved plans dated March 1, 2006. Any modifications to the project will require an "S" Zone Approval Amendment and/or Use Permit Amendment by the Planning Commission. Minor modifications can be submitted to the Planning Division for processing pursuant to Section 42 of the Milpitas Zoning Ordinance. (P)
2. The maximum size of the signage for the parcel at 991 Montague Expressway shall be 894 square feet.
3. The freestanding sign's faces shall be constructed of non-brittle, non-yellowing Polycarbonate material or superior.
4. The address shown on the sign shall be centered entirely within the medallion at the top of the sign so that maximum visibility is achieved.

5. Prior to the approval of any building/tenant signage, the property owner shall submit plans and receive Planning Commission approval for a sign program, as required in Section 30-4.04 of the Sign Ordinance. (P)
6. This use shall be conducted in accordance with all federal, state and local laws and regulations. (P)
7. If, at the time of building permit review, there is an outstanding project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
8. Applicable codes shall be 2001 California Building Code, CPC, CMC, 2004CEC, 2005 Energy Efficiency Standards, and 2002 Milpitas Municipal Code. (B)
9. Aluminum pipes embedded in concrete shall be effectively coated to prevent aluminum-concrete reaction per 2001 CBC section 1906. (B)
10. Provide (monument sign) complete structural design calculations, construction plan and details when applying for a building permit. Plans and calculations shall be wet signed and stamped by Architect/Engineer licensed in the State of California. (B)
11. Electrical assemblies shall be approved and listed by approved agency and installed as per their listing and manufacture's recommendations. (B)
12. Structural members exposed to weather shall be approved wood of natural resistance to decay or treated wood per 2001 CBC section 2306.12. (B)
13. Timber columns supporting permanent structures that are embedded in concrete shall be treated wood per 2001 CBC section 2306.2. (B)
14. Prior to construction of the proposed sign or any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements or public right of way. (E)
15. Access rights and improvements along Montague Expressway are under the jurisdiction of the Santa Clara County Roads and Airports Department. Prior to building permit issuance the developer shall:
 - A. Submit improvement plans for all the works along Montague Expressway, including the proposed sign and have the improvements reviewed and approved by the Santa Clara County Roads and Airports Department.
 - B. Obtain any necessary permits from the Santa Clara County Roads and Airports Department prior to the start of any work along Montague Expressway. (E)
16. It is the responsibility of the developer to obtain any necessary encroachment permits from affected agencies and private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
17. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, plan check and inspection deposit. (E)
18. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as

determined by sight distance shall not exceed 2 feet when measured from street elevation.
(E)

19. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
20. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. (E)
21. Fire Department records indicate that there are Fire Department devices at the proposed location of the new sign. Provide an enlarged plan showing locations of all devices. Provide dimensions indicating the proposed location of the new sign and distances to devices. (F)
22. New sign structure(s) shall not encroach or impede fire apparatus access. Projections into the driveway (or any other roadway) are not permitted. Fire apparatus access roads shall remain clear and unobstructed. Section 902.2.4.1, CFC. Indicate on plans sign dimensions and distance from curbs and sidewalk. (F)
23. New sign structure(s) shall not obstruct or impede access to fire suppression appliances (hydrants, fire department service lines, FDC/PIV or other fire service utilities). Minimum of 3 feet is required from hydrant and 6' is required from FDC/PIV outermost extremities. Section 1001.7.1, CFC. When structures are to be constructed in close proximity to fire appliances, plans shall be submitted to the Milpitas Fire Department for review prior and approval prior to any work being done. (F)
24. Permanent structures shall not be erected over underground fire lines. Any modifications required to underground fire utility lines shall be submitted to the Milpitas Fire Department for review and approval prior to any work being done. CFC Section 1001.4. (F)
25. The Milpitas Fire Department shall approve new installation and/or modifications to existing fire protection, alarm or monitoring system(s). A separate submittal is required to the Milpitas Fire Department, for review and approval, prior to the commencement of any work. CFC Section 1001.3. (F)

(P) = Planning

(B) = Building

(E) = Engineering

(F) = Fire

1.

MID-WAY
• SIGNS •



RECEIVED
JUN 1 2008
408-982-9370

MID-WAY 3290 BASSETT STREET SANTA CLARA CALIF. (408)982-9696 FAX:(408)982-9370



12'

13"

991

BAY VALLEY
Professional Center

12"

8.25"

8'

10.5"

10.5"
5.25"

1.25"

3"



3290 BASSETT STREET SANTA CLARA CALIF. (408)982-9696 FAX:(408)982-9370

